

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 09/818,573

REMARKS

Claims 1 and 3-10 are all the claims pending in the application.

Reconsideration and review of the claims on the merits are respectfully requested.

Formal Matters

Applicants appreciate that, on the Office Action Summary sheet, the Examiner has apparently acknowledged Applicants' claim for foreign priority and receipt of a certified copy of the priority document in Application No.09/789,603. The reference to 09/789,603 appears to be in error. The priority documents had already filed in the present application, as noted by the Examiner in the first Office Action. Applicants kindly request clarification of this issue from the Examiner.

Applicants also appreciate that the Examiner has returned an initialed and signed copy of the Form PTO-1449 submitted to the Patent Office on March 28, 2001.

Applicants note that the Examiner has accepted the drawing(s) filed on "December 30, 2002", but Applicants believe that this is in error because there is no indication in our records that drawing(s) were filed subsequent to the original drawings having been filed on March 18, 2001. Applicants kindly request clarification of this issue from the Examiner.

The Examiner did not repeat the objection to the title. Therefore, Applicants consider that the objection to the title has been withdrawn.

Finally, Applicants appreciate entry of the previous amendments to the specification and the abstract under 37 C.F.R. § 1.111.

Claim Rejections - 35 USC § 102/103

The Examiner maintains the same rejections of all pending claims, restating in the Final Office Action the same reasoning and cited references for the rejections as in the previous Office Action.

Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Kawami et al (U.S. 5,882,761) for the reasons given in the Office Action.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Kawami in view of Sakaguchi et al (5,990,615) for the reasons given in the Office Action.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Kawami in view of Haskal et al (U.S. 5,952,778) for the reasons given in the Office Action.

Claims 7, 8 and 9 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Kawami in view of Matsuno et al (U.S. 5,444,331).

Applicants respond as follows.

Kawami is still the Examiner's key reference in maintaining the anticipation and obviousness rejections. For "anticipation" under 35 U.S.C. § 102, Kawami must describe, either explicitly or inherently, every element/limitation of the Applicants' claims.

In light of the Examiner's response to our previously filed Amendment traversing the anticipation rejection, Applicants submit that the Examiner is inconsistent in the reasons for maintaining an anticipation rejection in view of Kawami.

The Examiner asserts that in Kawami the “bonding agent” forms the “adhesive member” as claimed in claim 1, which is “fixed” or “bonded” to the drying substance and the drying substance of Kawami is “compound into an air-permeable bag” (column 5, lines 16-17). Separately, each of these may be reasonable. However, taken together in view of Kawami’s disclosures, it is not possible that Kawami’s invention anticipates Applicants’ Claim 1.

Specifically, Kawami discloses a preferred embodiment of a chemical compound (drying substance) and “a method of packing the above explained chemical compound into an air-permeable bag and fixing the bag in the glass sealing case”. In order to anticipate Applicants’ Claim 1, Kawami must disclose, e.g., an adhesion member fixed to the removing agent. However, when Kawami’s air-permeable bag is fixed to the glass sealing case, it no longer allows any type of adhesion member or bonding agent to be fixed to the removing agent as the bonding agent in Kawami would be fixed to the “air-permeable bag” (See Kawami, column 5, lines 11-17). In other words, the drying substance of Kawami is inside of an air-permeable bag and the bag is located in between the drying substance and the glass sealing case to which the bag is bonded or fixed to.

Accordingly, Applicants request reconsideration and withdrawal of the rejections in view of Kawami.

While Applicants submit that the rejections in view of Kawami should be withdrawn based on the foregoing, Applicants amend Claims 1 and 10 to further clarify the “adhesion member” by incorporating the recitation “the adhesion member is a three-layer laminate comprising a substrate layer sandwiched between two adhesive layers” thereinto. Support can be

found, for example, at page 6 of the specification as originally filed. No new matter is added. Entry of the amendment is respectfully requested.

The “adhesive member” is defined in the present specification, for example, at page 6: the adhesion member is a three-layer laminate comprising a substrate layer sandwiched between two adhesive layers. The definition of “adhesive member” is now incorporated into Claims 1 and 10 as a structural recitation further distinguishing the “adhesive member” of the present invention in contrast to Kawami’s use of a “bonding agent”. Kawami fails to disclose, teach or suggest such recitation. Applicants amend Claims 1 and 10 in addition to arguments for traversal to further advance prosecution.

Dependent Claims 3-4, 5-6 and 7-9 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Kawami in view of three separate secondary references.

The rejection is respectfully traversed based on their dependency from Claim 1, newly amended above. The dependent claims are patentable for the same reasons as set forth above covering Claim 1. The secondary references do not overcome the deficiencies in the primary reference, Kawami.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections under both 35 U.S.C. § 102(b) and under 35 U.S.C. § 103(a).

Conclusion


In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



John K. Shin
Registration No. 48,409

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

1. (Twice Amended) A member for an electroluminescent device, comprising: a removing agent for removing a predetermined gas component; an adhesion member fixed to the removing agent wherein the adhesion member is a three-layer laminate comprising a substrate layer sandwiched between two adhesive layers; and a sheet member having a gas permeable portion covering said removing agent.

10. (Twice Amended) An electroluminescent device containing a member for an electroluminescent device comprising a removing agent for removing a predetermined gas component, an adhesion member fixed to the removing agent wherein the adhesion member is a three-layer laminate comprising a substrate layer sandwiched between two adhesive layers, and a sheet member having a gas permeable portion covering said removing agent.